

26 illness";

27 • replaces the term "guilty of a lesser offense and mentally ill," with the term

28 "guilty of a lesser offense with a mental illness"; and

29 ▶ makes technical changes.

30 **Money Appropriated in this Bill:**

31 None

32 **Other Special Clauses:**

33 This bill provides an effective date.

33a **Ĥ→ This bill coordinates with H.B. 13, Immunizations for Teen Mothers, by providing**  
33b **technical amendments. ←Ĥ**

34 **Utah Code Sections Affected:**

35 AMENDS:

36 **9-4-801**, as last amended by Laws of Utah 2010, Chapter 286

37 **9-4-802**, as last amended by Laws of Utah 2010, Chapter 278

38 **9-4-903**, as last amended by Laws of Utah 2001, Chapter 319

39 **17B-2a-823**, as renumbered and amended by Laws of Utah 2007, Chapter 329

40 **19-6-102**, as last amended by Laws of Utah 2007, Chapter 72

41 **20A-1-501**, as last amended by Laws of Utah 2006, Chapter 264

42 **20A-3-108**, as last amended by Laws of Utah 2007, Chapter 75

43 **20A-3-403**, as last amended by Laws of Utah 2006, Chapter 273

44 **20A-3-406**, as last amended by Laws of Utah 2010, Chapter 169

45 **20A-3-408**, as last amended by Laws of Utah 2002, Chapter 112

46 **20A-3-410**, as last amended by Laws of Utah 2006, Chapter 16

47 **20A-8-401**, as last amended by Laws of Utah 2010, Chapter 177

48 **23-19-1**, as last amended by Laws of Utah 2008, Chapter 69

49 **23-19-14**, as last amended by Laws of Utah 2003, Chapter 171

50 **23-19-36**, as last amended by Laws of Utah 1999, Chapter 128

51 **23-19-38.3**, as enacted by Laws of Utah 2010, Chapter 192

52 **23-20-12**, as last amended by Laws of Utah 1975, Chapter 60

53 **24-1-7**, as last amended by Laws of Utah 2004, Chapter 296

54 **26-1-18**, as last amended by Laws of Utah 1991, Chapter 112

55 **26-2-27**, as last amended by Laws of Utah 1998, Chapter 263

56 **26-4-7**, as last amended by Laws of Utah 2001, Chapter 278

212 77-16a-203, as last amended by Laws of Utah 2005, Chapter 61  
 213 77-16a-204, as last amended by Laws of Utah 2002, Fifth Special Session, Chapter 8  
 214 77-16a-205, as enacted by Laws of Utah 1992, Chapter 171  
 215 77-16a-302, as last amended by Laws of Utah 2002, Fifth Special Session, Chapter 8  
 216 77-16a-304, as last amended by Laws of Utah 2005, Chapter 61  
 217 77-16a-306, as enacted by Laws of Utah 1992, Chapter 171  
 218 77-18-1, as last amended by Laws of Utah 2009, Chapter 81  
 219 77-18-1.1, as last amended by Laws of Utah 2009, Chapter 337  
 220 77-18-8.3, as enacted by Laws of Utah 1996, Chapter 210  
 221 77-18-8.5, as enacted by Laws of Utah 1996, Chapter 210  
 222 77-27-2, as last amended by Laws of Utah 2010, Chapter 110  
 223 77-27-5.3, as enacted by Laws of Utah 1996, Chapter 161  
 224 77-27-10.5, as last amended by Laws of Utah 1997, Chapter 10  
 225 77-33-5, as enacted by Laws of Utah 1980, Chapter 15  
 226 77-38-302, as last amended by Laws of Utah 2008, Chapter 339 and renumbered and  
 227 amended by Laws of Utah 2008, Chapter 3  
 228 78A-2-302, as renumbered and amended by Laws of Utah 2008, Chapter 3  
 229 78A-6-103, as last amended by Laws of Utah 2009, Chapter 146  
 230 78A-6-117 (Superseded 07/01/11), as renumbered and amended by Laws of Utah  
 231 2008, Chapter 3  
 232 78A-6-117 (Effective 07/01/11), as last amended by Laws of Utah 2010, Chapter 276  
 233 78A-11-108, as renumbered and amended by Laws of Utah 2008, Chapter 3  
 234 78B-3-110, as renumbered and amended by Laws of Utah 2008, Chapter 3  
 234a **Ĥ→ Utah Code Sections Affected by Coordination Clause:**  
 234b **26-10-1, as last amended by Laws of Utah 2001, Chapter 73**  
 234c **26-10-2, as enacted by Laws of Utah 1981, Chapter 126 ←Ĥ**

235

236 *Be it enacted by the Legislature of the state of Utah:*

237 Section 1. Section **9-4-801** is amended to read:

238 **9-4-801. Creation.**

239 (1) There is created the Homeless Coordinating Committee.

240 (2) (a) The committee shall consist of the state planning coordinator, the state  
 241 superintendent of public instruction, the chair of the board of trustees of the Utah Housing  
 242 Corporation, and the executive directors of the Department of Human Services, the Department

10318 through the Utah State Retirement Office, and the judge retiring shall meet the requirements for  
10319 retirement as specified in this chapter.

10320 (6) Upon an order for involuntary retirement, the judge shall retire with the same rights  
10321 and privileges as if the judge retired pursuant to statute.

10322 Section 190. Section **78B-3-110** is amended to read:

10323 **78B-3-110. Defense to civil action for damages resulting from commission of**  
10324 **crime.**

10325 (1) A person may not recover from the victim of a crime for personal injury or property  
10326 damage if the person:

10327 (a) entered the property of the victim with criminal intent and the injury or damage  
10328 occurred while the person was on the victim's property; or

10329 (b) committed a crime against the victim, during which the damage or injury occurred.

10330 (2) The provisions of Subsection (1) do not apply if the person can prove by clear and  
10331 convincing evidence that:

10332 (a) [~~his~~] the person's actions did not constitute a felony; and

10333 (b) [~~his~~] the person's culpability was less than the person from whom recovery is  
10334 sought.

10335 (3) Subsections (1) and (2) apply to any next-of-kin, heirs, or personal representatives  
10336 of the person if the person [~~is disabled~~] acquires a disability or is killed.

10337 (4) Subsections (1), (2), and (3) do not apply if the person committing or attempting to  
10338 commit the crime has clearly retreated from the criminal activity.

10339 (5) "Clearly retreated" means that the person committing the criminal act has fully,  
10340 clearly, and immediately ceased all hostile, threatening, violent, or criminal behavior or  
10341 activity.

10342 Section 191. **Effective date.**

10343 This bill takes effect on May 10, 2011, except that the amendments to Section  
10344 78A-6-117 (Effective 07/01/11) take effect on July 1, 2011.

10344a **H→ Section 192. Coordinating H.B. 230 with H.B. 13 -- Technical amendments.**

10344b **If this H.B. 230 and H.B. 13, Immunizations for Teen mothers, both pass, it is the intent of the**

10344c **Legislature that the Office of Legislative Research and General Counsel shall prepare the Utah Code**  
10344d **database for publication by:**

10344e **(1) amending Section 26-10-1 to read:**

10344f **"26-10-1. Definitions.**

10344g **As used in this chapter:**

10344h **(1) "Maternal and child health services" means:**

10344i (a) the provision of educational, preventative, diagnostic, and treatment services, including medical  
 10344j care, hospitalization, and other institutional care and aftercare, appliances, and facilitating services  
 10344k directed toward reducing infant mortality and improving the health of mothers and children provided,  
 10344l however, that nothing in this [section] Subsection (1) shall be construed to allow any agency of the  
 10344m state to interfere with the rights of the parent of an unmarried minor in decisions about the providing  
 10344n of health information or services;

10344o (b) the development, strengthening, and improvement of standards and techniques relating to the  
 10344p services and care;

10344q (c) the training of personnel engaged in the provision, development, strengthening, or improvement of  
 10344r the services and care; and

10344s (d) necessary administrative services connected with Subsections (1)(a), (b), and (c).

10344t ~~[(2) "Crippled children's services" means:]~~

10344u (2) "Minor" means a person under the age of 18.

10344v (3) "Services for children with disabilities" means:

10344w (a) the early location of [~~crippled~~] children with a disability, provided that any program of prenatal  
 10344x diagnosis for the purpose of detecting the possible disease or disabilities of an unborn child will not be  
 10344y used for screening, but rather will be utilized only when there are medical or genetic indications that  
 10344z warrant diagnosis;

10344aa (b) the provision for [~~such~~] children described in Subsection (3)(a) of preventive, diagnosis, and  
 10344ab treatment services, including medical care, hospitalization, and other institutional care and  
 10344ac aftercare, appliances, and facilitating services directed toward the diagnosis of the condition of [~~such~~]  
 10344ad those children or toward the restoration of the children to maximum physical and mental health;

10344ae (c) the development, strengthening, and improvement of standards and techniques relating to [~~such~~]  
 10344af services and care described in this Subsection (3);

10344ag (d) the training of personnel engaged in the provision, development, strengthening, or improvement of  
 10344ah [~~such~~] services and care described in this Subsection (3); and

10344ai (e) necessary administrative services connected with Subsections [~~(2)~~] (3)(a), (b), and (c)."; and

10344aj (2) amending Section 26-10-2 to read:

10344ak "26-10-2. Maternal and child health and crippled children's services provided by department.  
 10344al The department shall, as funding permits, provide for maternal and child health services and [~~crippled~~  
 10344am children's] services [~~to individuals who need such services and~~] for children with a disability if the  
 10344an individual needs the services and the individual cannot reasonably obtain [them] the services from  
 10344ao other sources." ←Ĥ